



Protection and Safety
Administrative Memo #4-2006

TO: Service Area Administrators
Protection and Safety Workers, Supervisors and Administrators
Resource Development Workers, Supervisors and Administrators

FROM: Kim B. Hawekotte, Administrator
Office of Juvenile Services

Todd Reckling, Administrator
Office of Protection and Safety

DATE: July 14, 2006

RE: **ACCESS TO TREATMENT FOR PARTICIPANTS IN JUVENILE
DRUG COURT PROGRAMS INVOLVING WARDS OF HHS/OJS**

Effective: July 17, 2006

Duration: Until changed.

Contact Person: If you have any questions regarding this Administrative Memo, contact Kim B. Hawekotte, Administrator, Office of Juvenile Services at (402) 471-8403.

Drug Court Programs are recognized nationally as a research based coordinated effort to actively and forcefully intervene and successfully break the cycle of substance abuse, addiction and crime. The Department of Health and Human Services/Office of Juvenile Services is proud to be a partner in the local development and implementation of juvenile drug courts.

It is important to keep in mind, in developing and implementing a juvenile drug court, that access to federal and state funding for treatment for participants must continue to follow federal and state criteria. Therefore, the following requirements must be met:

- Any provider of a treatment program must be Medicaid approved to receive Medicaid funds. A treatment program does not have to be Medicaid approved to treat or serve non-Medicaid eligible clients.
- For a youth to receive eligibility for Medicaid services, the youth must be eligible for Medicaid based upon Medicaid's financial criteria or disability criteria or the youth must be made a ward of HHS/OJS. For youth that are eligible for Medicaid based services, there is no need for the youth to be made

a ward of OJS to obtain treatment services. If the youth is to be made a ward of OJS, an OJS evaluation must be completed prior to commitment to OJS.

- Clients must be directed to the best facility that is a) medically appropriate, b) available, c) certified or credentialed with the payment program and d) the needs of the family are taken into consideration. The use of a single treatment program based upon direction by the Juvenile Drug Court Program provided to the client can not be supported by Medicaid or Behavioral Health Substance Abuse funds.
- Any youth receiving substance abuse treatment must be prior approved by Magellan to access federal and state funding as having medical necessity for that level of treatment. If the youth does not meet the requirements of Medicaid and Magellan for that level of treatment, the appeal process utilized by Magellan is the appropriate avenue to resolve this dispute. State funding can not be disbursed unless the provider has followed the federal guidelines for obtaining funding for that service.
- If the youth is not Medicaid eligible, prior approval for the substance abuse treatment must be obtained from Behavioral Health System and contact should be made with the representative of the respective Region.
- If the youth requires an out-of-home placement as part of the treatment process, Magellan must approve the out-of-home treatment placement and the placement must be a contract provider with Magellan. Any use of letters of agreement with a non-contracted provider must have the written approval of the Protection and Safety Administrator for the service area.
- All referrals for mental health/substance abuse services must be made by licensed clinical professionals performing duties within their scope of practice as approved by the State of Nebraska.

In summary, treatment must be medically necessary at the appropriate level whether Juvenile is involved in a juvenile drug court or is not involved in a juvenile drug court. There are no special exceptions or treatment for youth involved in a juvenile drug court.